

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

K.O. and E.O., Jr., by and through their parents and next friends, E.O. and L.J.; and C.J., by and through his father and next friend F.C.,

Plaintiffs,

v.

United States of America,

Defendant.

Civil Action No. 4:20-12015-MRG

**DEFENDANT'S MOTION TO
PRECLUDE PLAINTIFFS FROM INCREASING THE
SUM CERTAIN DEMANDED IN THEIR ADMINISTRATIVE CLAIM**

Defendant, United States of America, by and through its attorney, Rachael S. Rollins, United States Attorney for the District of Massachusetts, herein moves this Court to Preclude Plaintiffs from Increasing the Sum Certain Demanded in their Administrative Claim. As grounds therefore Defendant states the Federal Tort Claims Act (FTCA) requires, before filing this action, that Plaintiffs submitted an administrative claim specifying the amount of damages that they sought to recover. A claimant may not, however, increase its damages request absent new and material information that was not previously available. *See* 28 U.S.C. § 2675(b). Plaintiffs have not made, and cannot make, that showing. Accordingly, given the threshold importance of locking in a sum certain to guiding settlement discussions and structuring the scope of discovery, Defendant, through this motion and supporting memorandum of law, respectfully requests an order precluding Plaintiffs from increasing their demand beyond the cap identified in their administrative claim.

RESPECTFULLY SUBMITTED

RACHAEL S. ROLLINS
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Rayford A. Farquhar
RAYFORD A. FARQUHAR
Assistant U.S. Attorney

Dated: May 8, 2023

LOCAL RULE 7.1 CERTIFICATION

I, Rayford A. Farquhar, Assistant United States Attorney, herein state that the issues raised in this motion were discussed with counsel for Plaintiffs on numerous occasions, and raised during a Status Conference before this Court, and the parties were not able to resolve the issues raised herein.

/s/ Rayford A. Farquhar
RAYFORD A. FARQUHAR
Assistant U.S. Attorney